

Attorney Docket  
33808 F 157



RECEIVED

MAY 23 2003

TC 1700

ATTY 34625  
Rb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CONFIRMATION NO. 8635

Applicants : Dominique PLEE, et al.

Serial No. : 09/914,037 Art Unit: 1764

Filed : November 5, 2001 Examiner : Tam M. NGUYEN

For : Agglomerated Zeolitic Adsorbents, Method for Obtaining Same  
and Uses Thereof

RESPONSE TO PAPER NO. 7

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir :

A response to the Office Action mailed April 22, 2003 is due by May 22, 2003.

The Action required restriction from among seven allegedly patentably distinct inventions as set forth in Group I – Group VII:

- I. Claims 1-4 and 18, drawn to a composition of an adsorbent
- II. Claims 5-7, drawn to a process of making an adsorbent
- III. Claims 8-13, drawn to a process for recovery of para-xylene
- IV. Claim 14, drawn to a process for the separation of sugars
- V. Claim 15, drawn to a process for the separation of polyhydric alcohols
- VI. Claim 16, drawn to a process for the separation of nitrotoluene
- VII. Claim 17, drawn to a process for the separation of cresols

Applicants hereby elect Group III of claims 8-13, drawn to a process for recovery of para-xylene, for prosecution in this application. This election is made with traverse.

According to the Restriction Requirement:

The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 1 is either obvious over or anticipated by Rosback (3,960,774). According (sic), the special technical feature linking the seven inventions, a zeolitic adsorbent, does not provide a contribution over the prior art, and no single general inventive concept exists. Therefore, restriction is appropriate.

Applicants respectfully submit that the restriction requirement is premature because claim 1 has not yet been formally rejected under 35 U.S.C. §102 or §103 and, thus, Applicants have not had the opportunity to address whether the claim would have been obvious over or anticipated by U.S. Patent 3,960,774 to Rosback. If the sole reason for the restriction requirement is based on the patentability of claim 1, i.e., the restriction requirement would not have been made if the Examiner considered claim 1 to be patentable over the prior art, Applicants submit that a restriction requirement should not be made until the Examiner has had an opportunity to consider Applicants' arguments that claim 1, either in its current form or in amended form, is patentable.

Thus, for at least the foregoing reason, Applicants respectfully request that the restriction requirement be withdrawn.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

*fr* *Mary A. Montebello (Reg. 33,021)*  
Frederick F. Calvetti, Reg. 28,557  
1850 M Street, NW – Suite 800  
Washington, DC 20036  
Telephone : 202/263-4300  
Facsimile : 202/263-4329

Date : May 22, 2003

198936